



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/759,638	01/16/2004	Donald M. Pangrazio	D/A2188	1550
41030 7590 12/03/2008 ORTIZ & LOPEZ, PLLC P. O. BOX 4484 ALBUQUERQUE, NM 87196-4484				
EXAMINER				
DICKERSON, CHAD S				
ART UNIT		PAPER NUMBER		
2625				
MAIL DATE		DELIVERY MODE		
12/03/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/759,638

Applicant(s)

PANGRAZIO ET AL.

Examiner

CHAD DICKERSON

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/5508)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/28/2008 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-13 have been considered but are moot in view of the new ground(s) of rejection. The Amendment to the Independent claims 1, 6 and 12 necessitated the new grounds of rejection. However, the same references of Murren and Marks are being applied. In the Applicant's arguments, the Applicant raises an issue of the reasoning behind combining the two references of Murren and Marks. The Examiner would like to briefly respond by noting that both references involve transmitting information to different entities over a network (see paragraph [0018] of Murren and [0025] of Marks). Since both are involved in the same field of endeavor, it would be appropriate to combine the above references.

The Applicant also makes an assertion that the added claim limitation of a print-ready document distinguishes itself from the applied references. However, in the admitted prior art in the background of the invention, the Examiner found this feature

Art Unit: 2625

disclosed in paragraph [0005] or page 2 which cures the alleged deficiency. Since this part of the specification also discloses this system operating in a networking environment, this part of the background of the invention is also combinable with the references of Marks and Murren.

3. Claim 15 is objected to because of the following informalities:

- Re claim 15: the claim depends on cancelled claim 7. It is suggested to change the claim dependency to claim 14 or claim 6.

Appropriate correction is required.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Murren '085 (US Pub No 2003/0110085) in view of Marks '374 (US Pub No 2002/0007374) and the background of the invention.

Re claim 1: Murren '085 discloses maintaining synchronization of information published to multiple subscribers, comprising:

publishing document library subject availability via multicast communication over a data network (i.e. in the system of Murren '085, the tracking component (106) publishes the availability of information within a subscribers criteria via a publishing component (110). This is not only given to a certain user, but to multiple users requesting the information. When updates occur to information within the user's criteria, multiple users' are notified by the publishing of the information to the users. Publishing is interpreted as the dissemination of information to the public. Since the updates and the requesting of information within a user's criteria occurs over a network that notifies multiple user's at the same time, the system is considered to perform multicast communication, which is when multiple clients receive the same information from one server; see fig. 1; paragraphs [0006]-[0025]);

receiving subscriptions for document library subjects via point-to-point data communication over the data network from remote subscribers at individual sites (i.e. the subscribers (104) in the overall system support the World Wide Web and web pages. The subscribers can be considered a site since they receive information using the Internet and the system automatically sends information to the designated user using the web and web pages. The subscriber is able to subscribe to the system (102) to receive different types of information from the publication and tracking systems. This information is received on the network used in the overall system to the subscribers at their respective locations on the network. The information received is information regarding the subject matter that fits inside the subscribers desired criteria. The

information relating to the subscribers criteria and information related to other criteria, or subjects, are stored on the system (102); see fig. 1; paragraphs [0006]-[0025]); and

instantaneously, at time of repository change, synchronizing data representative of the document with remote subscribers at individual sites over the data network (i.e. once changes are made to the database storing the information regarding the interested subscribers, the information is propagated out, via the publication component (110) to the various subscribers (104) who may be affected by the change in information. All subscribers that are concerned with the information that is subscribed to be notified of the change in the information related to their criteria. The information relating to the criteria and with the multiple subscribers is synchronized with the subscribers since one of the improvements of this invention is to maintain synchronization of information publication to multiple subscribers; see fig. 1; paragraphs [0005]-[0025]).

However, Murren '085 fails to teach a data network using a multicast communication transport layer.

However, this is well known in the art as evidenced by Marks '374. Marks '374 discloses a data network using a multicast communication transport layer (i.e. the references of Murren and Marks involve the transmission of documents or other information to individuals on a network (same field of endeavor). In the system, the network operations center (130) contains a multicast server (390) that is able to send documents or files to directories on predefined local servers. The Internet protocol using the IP multicast protocols is considered as the multicast communication transport layer since the IP multicast protocols, like the claim feature, is used to send information

from one point to many destinations on the network; see figs. 1 and 3; paragraph [0042]).

Therefore, in view of Marks '374, it would have been obvious to one of ordinary skill at the time the invention was made to have the feature of a data network using a multicast communication transport layer in order to have a one-to-many transmission protocols (as stated in Marks '374 paragraph [0042]).

However, the references of Murren and Marks fail to teach print-ready document.

However, this is well known in the art as evidenced by the background of the invention. The background of the invention discloses print-ready document (i.e. in paragraph [005], the system contains workstations that are able to communicate information to be printed to a printing device. Since the background of the invention sends information over a network to other devices, then the background is viewed as similar to the other applied references above (same field of endeavor). Also, the background of the invention discloses already print formatted master documents that may be transmitted to a printer directly, which eliminates a need to repeat conversion and decomposition process of another copy if desired; see paragraph [005]).

Therefore, in view of the background of the invention, it would have been obvious to one of ordinary skill at the time the invention was made to a print-ready document, incorporated in the device of Murren, as modified by the features of Marks, in order to eliminate the need to repeat the conversion or decomposition process if another copy of the document is needed (as stated in background of the invention paragraph [005]).

Re claim 2: The teachings of Murren '085 in view of Marks '374 and the background of the invention are disclosed above.

Murren '085 discloses the method of claim 1 wherein jobs are assigned to subjects (i.e. in Murren '085, the information requested by the subscriber can be stored or used to be printed out. Since the information can be used as a print out, it can be considered as a print job. This same information that can be considered as a print job is also assigned to subjects that describe the overall content of the information. Examples of this are seen in paragraph [0021]; see fig. 1; paragraphs [0006]-[0025]).

Re claim 3: The teachings of Murren '085 in view of Marks '374 and the background of the invention are disclosed above.

Murren '085 discloses the method of claim 2 wherein said jobs include documents (i.e. the information used in the system can not only be considered as a print job, as mentioned above in claim 2, but it also can be considered as a document, since a document is nothing more than information conveyed on a physical or electric medium; see fig. 1; paragraphs [0006]-[0025]).

Re claim 4: The teachings of Murren '085 in view of Marks '374 and the background of the invention are disclosed above.

Murren '085 discloses the method of claim 3 wherein said jobs are documents (i.e. since the information gathered from the publication component (110) is both conveyed electronically and physically, it can be considered as a document. Also, since this same

information can be used to as a document to be printed, this can be considered as a print job. This performs the above feature; see fig. 1; paragraphs [0006]-[0025]).

Re claim 5: The teachings of Murren '085 in view of Marks '374 and the background of the invention are disclosed above.

Murren '085 discloses the method of claim 1, wherein remote subscribers at individual sites interested in a subject can subscribe to the subject and receive document updates automatically (i.e. in the overall system, a subscriber can subscribe to receive information from the publication and tracking system that is related to the criteria that the users express interest in. When the information related to the users' criteria is changed, the users' affected by this change are automatically notified; see fig. 1; paragraphs [0006]-[0025]),

wherein only necessary data related to the subject is synchronized with the remote subscribers at specific sites (i.e. the publication and tracking system only notifies the users' concerned with the information related to their criteria. The information not related to their criteria is not included in their notification. Also, the users' not concerned with that particular type of data are not notified. The notification is sent to the respective locations of users on the network; see fig. 1; paragraphs [0006]-[0025]).

Re claim 6: Murren '085 discloses maintaining synchronization of information published to multiple subscribers, comprising:

publishing document library subject availability via multicast communication over a data network (i.e. in the system of Murren '085, the tracking component (106) publishes the availability of information within a subscribers criteria via a publishing component (110). This is not only given to a certain user, but to multiple users requesting the information. When updates occur to information within the user's criteria, multiple users are notified by the publishing of the information to the users. Publishing is interpreted as the dissemination of information to the public. Since the updates and the requesting of information within a user's criteria occurs over a network that notifies multiple user's at the same time, the system is considered to perform multicast communication, which is when multiple clients receive the same information from one server; see fig. 1; paragraphs [0006]-[0025]); and

receiving subscriptions for document library subjects over the data network via point-to-point data communication from remote subscribers at individual sites (i.e. the subscribers (104) in the overall system support the World Wide Web and web pages. The subscribers can be considered a site since they receive information using the Internet and the system automatically sends information to the designated user using the web and web pages. The subscriber is able to subscribe to the system (102) to receive different types of information from the publication and tracking systems. This information is received on the network used in the overall system to the subscribers at their respective locations on the network. The information received is information regarding the subject matter that fits inside the subscribers desired criteria. The

information relating to the subscribers criteria and information related to other criteria, or subjects, are stored on the system (102); see fig. 1; paragraphs [0006]-[0025]).

However, Murren '085 fails to teach a data network using a multicast communication transport layer.

However, this is well known in the art as evidenced by Marks '374. Marks '374 discloses a data network using a multicast communication transport layer (i.e. the references of Murren and Marks involve the transmission of documents or other information to individuals on a network (same field of endeavor). In the system, the network operations center (130) contains a multicast server (390) that is able to send documents or files to directories on predefined local servers. The Internet protocol using the IP multicast protocols is considered as the multicast communication transport layer since the IP multicast protocols, like the claim feature, is used to send information from one point to many destinations on the network; see figs. 1 and 3; paragraph [0042]).

Therefore, in view of Marks '374, it would have been obvious to one of ordinary skill at the time the invention was made to have the feature of a data network using a multicast communication transport layer in order to have a one-to-many transmission protocols (as stated in Marks '374 paragraph [0042]).

However, the references of Murren and Marks fail to teach print-ready document.

However, this is well known in the art as evidenced by the background of the invention. The background of the invention discloses print-ready document (i.e. in paragraph [005], the system contains workstations that are able to communicate

information to be printed to a printing device. Since the background of the invention sends information over a network to other devices, then the background is viewed as similar to the other applied references above (same field of endeavor). Also, the background of the invention discloses already print formatted master documents that may be transmitted to a printer directly, which eliminates a need to repeat conversion and decomposition process of another copy if desired; see paragraph [005]).

Therefore, in view of the background of the invention, it would have been obvious to one of ordinary skill at the time the invention was made to a print-ready document, incorporated in the device of Murren, as modified by the features of Marks, in order to eliminate the need to repeat the conversion or decomposition process if another copy of the document is needed (as stated in background of the invention paragraph [005]).

Re claim 9: The teachings of Murren '085 in view of Marks '374 and the background of the invention are disclosed above.

Murren '085 discloses the method of claim 6 wherein said jobs include documents (i.e. the information used in the system can not only be considered as a print job, as mentioned above in claim 2, but it also can be considered as a document, since a document is nothing more than information conveyed on a physical or electric medium; see fig. 1; paragraphs [0006]-[0025]).

Re claim 10: The teachings of Murren '085 in view of Marks '374 and the background of the invention are disclosed above.

Murren '085 discloses the method of claim 6 wherein said jobs are documents (i.e. since the information gathered from the publication component (110) is both conveyed electronically and physically, it can be considered as a document. Also, since this same information can be used to as a document to be printed, this can be considered as a print job. This performs the above feature; see fig. 1; paragraphs [0006]-[0025]).

Re claim 11: The teachings of Murren '085 in view of Marks '374 and the background of the invention are disclosed above.

Murren '085 disclosed the method of claim 6, wherein remote subscribers at individual sites interested in a subject can subscribe to the subject and receive document updates automatically (i.e. in the overall system, a subscriber can subscribe to receive information from the publication and tracking system that is related to the criteria that the users express interest in. When the information related to the users' criteria is changed, the users' affected by this change are automatically notified; see fig. 1; paragraphs [0006]-[0025]),

wherein only necessary data related to the subject is synchronized with the remote subscribers at specific sites (i.e. the publication and tracking system only notifies the users' concerned with the information related to their criteria. The information not related to their criteria is not included in their notification. Also, the users' not concerned with that particular type of data are not notified. The notification is sent to the respective locations of users on the network; see fig. 1; paragraphs [0006]-[0025]).

Re claim 12: Murren '085 discloses maintaining synchronization of information published to multiple subscribers, comprising:

at least one server having access to a data network supporting point-to-point data communication (i.e. the system (102) or the subscribers (106) can be implemented through a server. In both instances, the server has to have access to a network in order to communicate with the other entities involved in the subscribing and publication process; see fig. 1; paragraphs [0006]-[0025]);

at least one database containing documents associated with a print ready document library and the print ready document library (i.e. in the system (102), the tracking and publishing components (106 and 110) can have a database storing a criteria, this is considered to be a document library, that is related to documents that fit within that criteria. The database also stores the documents or information related to the above-mentioned criteria. The documents used in the invention can also be considered as print ready since the documents or information can be printed off as hard copy flyers describing the information related to the criteria that describes the information; see fig. 1; paragraphs [0006]-[0025]); and

software contained in at least one of server (i.e. within the server used as either a system (102) or a subscriber (104), the server has a processing unit that is able to process the information it receives. It is understood that software is present on the system (102) in order for the system (102) to perform the functions of the invention; see fig. 1; paragraphs [0006]-[0025]), said software for:

managing the publication of print ready document library information to multiple subscribers over the data network (i.e. in the system (102), the update monitor (224) is used to update the information tracking database (222) and the publishing database (226). The update monitor is used to help manage when the publishing component uses the publishing database to publish the information that is related to the subscribers' criteria to the multiple subscribers'. The above function is performed; see figs. 2 and 4; paragraphs [0026]-[0069]),

accepting document library subscription from the multiple subscribers point-to-point data communication (i.e. the subscriber is able to subscribe to the system (102) to receive different types of information from the publication and tracking systems. This information is received on the network used in the overall system to the subscribers at their respective locations on the network. The information received is information regarding the subject matter that fits inside the subscribers desired criteria. The information relating to the subscribers criteria and information related to other criteria, or subjects, are stored on the system (102); see fig. 1; paragraphs [0006]-[0025]), and

synchronization of print ready document library and documents associated with the library with the multiple subscribers from the database through the server and the network point-to-point data communication to multiple subscriber equipment (i.e. once changes are made to the database storing the information regarding the interested subscribers, the information is propagated out, via the publication component (110), to the various subscribers (104) who may be affected by the change in information. All subscribers that are concerned with the information that is subscribed to be notified of

the change in the information related to their criteria. The information relating to the criteria and with the multiple subscribers is synchronized with the subscribers since one of the improvements of this invention is to maintain synchronization of information publication to multiple subscribers; see fig. 1; paragraphs [0005]-[0025]).

However, Murren '085 fails to teach a data network also supporting multicasting over a multicast communication transport layer and using a multicast communication layer.

However, this is well known in the art as evidenced by Marks '374. Marks '374 discloses a data network also supporting multicasting over a multicast communication transport layer (i.e. the references of Murren and Marks involve the transmission of documents or other information to individuals on a network (same field of endeavor). In the system, the network is used for multicast communication through the network operations center (130). The network operations center (130) has a multicast server (390) that performs the protocol of a multicast communication transport layer with communicating with multiple entities on the network. In several of the devices used in the system, multicast communication is performed; paragraphs [0029]-[0042]),

using a multicast communication transport layer (i.e. in the system, the network operations center (130) contains a multicast server (390) that is able to send documents or files to directories on predefined local servers. The Internet protocol using the IP multicast protocols is considered as the multicast communication transport layer since the IP multicast protocols, like the claim feature, is used to send information from one point to many destinations on the network; see figs. 1 and 3; paragraph [0042]).

Therefore, in view of Marks '374, it would have been obvious to one of ordinary skill at the time the invention was made to have the feature of a data network also supporting multicasting over a multicast communication transport layer and a data network using a multicast communication transport layer in order to have a one-to-many transmission protocols (as stated in Marks '374 paragraph [0042]).

However, the references of Murren and Marks fail to teach print-ready document.

However, this is well known in the art as evidenced by the background of the invention. The background of the invention discloses print-ready document (i.e. in paragraph [005], the system contains workstations that are able to communicate information to be printed to a printing device. Since the background of the invention sends information over a network to other devices, then the background is viewed as similar to the other applied references above (same field of endeavor). Also, the background of the invention discloses already print formatted master documents that may be transmitted to a printer directly, which eliminates a need to repeat conversion and decomposition process of another copy if desired; see paragraph [005]).

Therefore, in view of the background of the invention, it would have been obvious to one of ordinary skill at the time the invention was made to a print-ready document, incorporated in the device of Murren, as modified by the features of Marks, in order to eliminate the need to repeat the conversion or decomposition process if another copy of the document is needed (as stated in background of the invention paragraph [005]).

Re claim 13: The teachings of Murren '085 in view of Marks '374 and the background of the invention are disclosed above.

Murren '085 discloses the system of claim 12, further comprising communication equipment associated with the server for enabling multicast communication with the multiple subscribers over the data network (i.e. in the overall system, the communication between the system (102) and the subscribers (104) can be implemented via one or more different types of networks. These network capabilities are enable the overall system to allow communication with multiple subscribers; see fig. 1; paragraphs [0005]-[0025]).

Re claim 14: The teachings of Murren '085 in view of Marks '374 and the background of the invention are disclosed above.

Murren '085 discloses the method of claim 6 further comprising instantaneously synchronizing data representative of the document with remote subscribers at individual sites over the data network (i.e. once changes are made to the database storing the information regarding the interested subscribers, the information is propagated out, via the publication component (110) to the various subscribers (104) who may be affected by the change in information. All subscribers that are concerned with the information that is subscribed to be notified of the change in the information related to their criteria. The information relating to the criteria and with the multiple subscribers is synchronized with the subscribers since one of the improvements of this invention is to maintain

synchronization of information publication to multiple subscribers; see fig. 1; paragraphs [0005]-[0025]).

Re claim 15: The teachings of Murren '085 in view of Marks '374 and the background of the invention are disclosed above.

Murren '085 discloses the method of claim 7 wherein jobs are assigned to subjects (i.e. in Murren '085, the information requested by the subscriber can be stored or used to be printed out. Since the information can be used as a print out, it can be considered as a print job. This same information that can be considered as a print job is also assigned to subjects that describe the overall content of the information. Examples of this are seen in paragraph [0021]; see fig. 1; paragraphs [0006]-[0025]).

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
7. Bargeron '352 (US Pub No 2004/0003352) discloses a system where users' subscribe to activity regarding a document of interest and receive notifications when the document of interest is changed.
8. Vogt '349 (USP 6611349) discloses a system for printing and publishing that is able to transmit in the system a plate-ready file, which is used for printing a document using a plate. This is analogous to a print ready document as well.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHAD DICKERSON whose telephone number is (571)270-1351. The examiner can normally be reached on Mon. thru Thur. 9:00-6:30 Fri. 9:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Twyler Haskins can be reached on (571)-272-7406. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. D./
/Chad Dickerson/
Examiner, Art Unit 2625

/Mark K Zimmerman/
Supervisory Patent Examiner, Art Unit 2625